

CLAIMS

1. (Withdrawn) A method comprising:
 - a) defining a plurality of investor accounts;
 - b) obtaining an initial amount from each of a plurality of initial investors;
 - c) associating said initial amount from each of said plurality of initial investors with a respective one of said plurality of investor accounts;
 - d) defining at least one general trust account not associated with any specific investor;
 - e) associating at least a portion of said initial amounts received from said plurality of initial investors with said general trust account;
 - f) identifying the initial ownership of an intellectual property;
 - g) determining a value to assign to said intellectual property;
 - h) paying an amount to said initial ownership of said intellectual property from said general trust account upon the transfer of title to said intellectual property to a subsequent owner;
 - i) obtaining at least one payment from said initial ownership of said intellectual property for a license to use said intellectual property;
 - j) allocating said at least one payment from said initial ownership to said general trust account;
 - k) allocating payments from said general trust account to at least one of said initial investor accounts;
 - l) obtaining additional investment amount from one or more subsequent investors;
 - m) associating said additional investment amount from each of said at least one subsequent investors with a respective one of said plurality of investor accounts,
 - n) associating at least a portion of the amounts in said investor accounts with said general trust account;
 - o) identifying the initial ownership of a subsequent intellectual property;
 - p) determining a value to assign to said subsequent intellectual property;
 - q) paying an amount to said initial ownership of said subsequent intellectual property from said general trust account upon the transfer of title to said subsequent intellectual property to a subsequent owner;

r) obtaining at least one payment from said initial ownership of said subsequent intellectual property for a license to use said subsequent intellectual property;

s) allocating said at least one payment from said initial ownership of said subsequent intellectual property to said general trust account; and

t) allocating payments from said general trust account to at least one of said subsequent investor accounts.

2. (Withdrawn) The method of claim 1 further comprising allocating payments from said general trust account to at least one account other than an investor account.

3. (Withdrawn) The method of claim 1 further comprising granting a limited license to a party other than the original owner of said intellectual property and obtaining at least one payment from said licensee of said intellectual property for a license to use said intellectual property.

4. (Withdrawn) The method of claim 1 further comprising allocating payments to said investor accounts based on a formula that considers factors in addition to the initial amount obtained from said investor.

5. (Withdrawn) The method of claim 1 wherein at least one subsequent investor and at least one initial investor are identical.

6. (Withdrawn) The method of claim 1 wherein at least one subsequent investor is different from the at least one initial investor.

7. (Withdrawn) A method comprising:

- a) identifying an intellectual property in use by at least an initial user;
- b) identifying the initial ownership of said intellectual property;
- c) assessing the value of said intellectual property based, at least in part, on the anticipated future use of said intellectual property by said initial user;

d) paying, in at least one payment, an amount related to the assessed value of said intellectual property to said initial owner in exchange for transfer of the title to said intellectual property to a subsequent owner;

e) obtaining the amount paid for transfer of title from a general trust account;

f) funding said general trust account from a plurality of investor accounts;

g) granting a license to said initial user for the use of said intellectual property from said subsequent owner in exchange for an agreement by said initial user to make at least one payment;

h) collecting said at least one payment from said initial user;

i) depositing said at least one payment from said initial user into said general trust account;

j) allocating to at least one of said plurality of investor accounts a portion of said at least one payment from said initial user in said general trust account;

k) identifying at least one additional intellectual property in use by at least an initial user;

l) identifying the initial ownership of said at least one additional intellectual property;

m) assessing the value of said at least one additional intellectual property based, at least in part, on the anticipated future use of said at least one additional intellectual property by said initial user;

n) paying, in at least one payment, an amount related to the assessed value of said at least one additional intellectual property to said initial owner in exchange for transfer of the title to said at least one additional intellectual property to a subsequent owner;

o) obtaining the amount paid for transfer of title from said general trust account;

p) funding said general trust account from at least one subsequent investor account;

q) granting a license to said initial user for the use of said at least one additional intellectual property from said subsequent owner in exchange for an agreement by said initial user to make at least one payment;

r) collecting said at least one payment from said initial user of said at least one additional intellectual property;

s) depositing said at least one payment from said initial user into said general trust account; and

t) allocating to at least one of said subsequent investor accounts a portion of said at least one payment from said initial user in said general trust account.

8. (Withdrawn) The method of claim 7 further comprising granting a limited license to a party other than the original user of said intellectual property and obtaining at least one payment from said licensee of said intellectual property for a license to use said intellectual property.

9. (Withdrawn) The method of claim 7 further comprising allocating payments from said general trust account to at least one account other than an investor account.

10. (Withdrawn) The method of claim 7 further comprising allocating payments to said investor accounts based on a formula that considers factors in addition to the initial amount obtained from said investor.

11. (Withdrawn) The method of claim 7 wherein at least one subsequent investor account and at least one initial investor account are identical.

12. (Currently Amended) An electronic data processing method comprising:

a) computer code for identifying an intellectual property;
b) computer code for identifying initial ownership of said intellectual property;
c) computer code for assessing a value for said intellectual property using at least one algorithm;

d) computer code for obtaining title to said intellectual property;

<d1> in exchange, computer code for paying the initial ownership, from a general trust account, an amount not more than the assessed value of said intellectual property;

<d2> computer code for obtaining funding for said general trust account from a plurality of initial investor accounts;

e) computer code for creating said investor accounts by identifying a plurality of investors, obtaining an initial amount from each of said investors and associating in at least one electronic database at least a portion of said initial amount with at least one investor account for each said investor;

f) computer code for granting a license to said initial ownership to use said intellectual property in exchange for at least one payment from said initial ownership;

g) computer code for allocating said at least one payment from said initial ownership to said general trust account in the at least one electronic database;

h) computer code for allocating payments from said general trust account to at least one of said investor accounts in the at least one electronic database;

i) computer code for identifying at least one other intellectual property;

j) computer code for identifying initial ownership of said at least one other intellectual property;

k) computer code for assessing a value for said at least one other intellectual property using the at least one algorithm;

l) computer code for obtaining title to said at least one other intellectual property in exchange for paying not more than the assessed value of said at least one other intellectual property to said initial ownership;

<11> computer code for obtaining said payment to the initial ownership from a general trust account;

<12> computer code for obtaining funding for said general trust account from at least one subsequent investor account;

m) computer code for creating said subsequent investor accounts in the at least one electronic database by identifying a plurality of investors, obtaining an initial amount from each of said subsequent investors and associating at least a portion of said initial amount with said investor account in the at least one electronic database for each said subsequent investor;

n) computer code for granting a license to said initial ownership to use said at least one other intellectual property in exchange for at least one payment from said initial ownership;

o) computer code for allocating said at least one payment for said license for said at least one other intellectual property from said initial ownership to said general trust account in the at least one electronic database;

p) computer code for allocating payments from said general trust account to at least one of said subsequent investor accounts in the at least one electronic database.

13. (Currently Amended) The method of claim 12 further comprising computer code for granting a limited license to a party other than the original user of said intellectual property and obtaining at least one payment from said licensee of said intellectual property for a license to use said intellectual property.

14. (Currently Amended) The method of claim 12 further comprising computer code for allocating payments from said general trust account to at least one account other than an investor account in the at least one electronic database.

15. (Currently Amended) The method of claim 12 further comprising computer code for allocating payments to said investor accounts in the at least one electronic database using at least one algorithm that considers factors in addition to the initial amount obtained from said investor.

16. (Previously Presented) The method of claim 12 wherein at least one subsequent investor account and at least one initial investor account are the same.

17. (Original) The method of claim 12 wherein the subsequent investor accounts are different from the at least one initial investor account.

18. (Withdrawn) A method comprising:

- a) entering information related to at least one intellectual property;
- b) calculating a value of said at least one intellectual property using a first valuation algorithm;
- c) selecting a second valuation algorithm having a plurality of inputs;

- d) inputting the value of said at least one intellectual property into said second valuation algorithm;
- e) inputting at least one additional piece of information required by said second valuation algorithm;
- f) calculating the change in value of the owner of said at least one intellectual property using the second valuation algorithm;
- g) entering information related to at least one additional intellectual property;
- h) calculating a value of said at least one additional intellectual property using a first valuation algorithm;
- i) selecting a second valuation algorithm having a plurality of inputs;
- j) inputting the value of said at least one additional intellectual property into said second valuation algorithm;
- k) inputting at least one additional piece of information required by said second valuation algorithm; and
- l) calculating the change in value of the owner of said at least one additional intellectual property using the second valuation algorithm

19. (Withdrawn) A method according to claim 18 further comprising entering a value describing the utility of said at least one intellectual property that comprises selecting from a list including, but not limited to values of new product category, improvement on existing product, new process, improvement on existing process, and regulatory compliance.

20. (Withdrawn) A method according to claim 18 wherein said step of selecting a first valuation algorithm is particular to the type of utility value associated with said intellectual property.

21. (Withdrawn) A method according to claim 18 wherein said step of entering information related to said intellectual property further comprises entering information on the financial characteristics of the an owner.

22. (Withdrawn) A method according to claim 18 wherein said step of calculating a value of said intellectual property using said first valuation algorithm further comprises determining the value of the owner with said intellectual property and without said intellectual property.

23. (Withdrawn) A method according to claim 18 further comprising determining the current value to the owner of said intellectual property using the second valuation algorithm.

24. (Withdrawn) A data processing system for managing the transfer and allocation of monetary funds between a portfolio of investor accounts held by more than one investor, a general trust account, and a portfolio of at least two intellectual properties, the system comprising:

- a) a data recording system comprising at least one data recording device;
- b) creating in the data recording system a unique account for each respective investor account;
- c) creating in the data recording system at least one general trust account not associated with a specific investor;
- d) indicating in the data recording system that a predetermined quantity of the funds from said general trust account are transferred to the initial owner of a specific one intellectual property of said at least two intellectual properties in exchange for title to said specific one intellectual property being transferred to a subsequent owner;
- e) indicating in the data recording system a grant back to said initial owner of a license to said specific one intellectual property of said at least two intellectual properties;
- f) recording in the data recording system the licensing agreement entered into with respect to each specific intellectual property and the amount of the at least one royalty payment to be received from the licensee and the date each payment is due;
- g) indicating in the data recording system that at least one payment is made from the an initial owner into said general trust account;
- h) allocating in the data recording system payments from said general trust account to at least one said investor account; and

i) deducting in the data recording system each payment to said at least one investor account from said general trust account.

25. (Withdrawn) The system of claim 24 further comprising computer processor means for processing data; and wherein the data recording system is a data disk operatively connected to the computer processor means.

26. (Withdrawn) The system of claim 24 further comprising computer processor means for processing data; and wherein the data recording system is a data disk operatively connected to the computer processor means; and the system further comprises means for processing on the data recording system data regarding the transfer and allocation of monetary funds between the investor accounts, general trust account, and the portfolio of at least two intellectual properties.

27. (Withdrawn) The system of claim 24 further comprising computer processor means for processing data; and wherein the data recording system is a data disk operatively connected to the computer processor means; and the system further comprises means for initializing the data recording system to magnetically store selected data regarding the crediting and transfer of funds and payments to and from the investor accounts, general trust account, and the portfolio of at least two intellectual properties..

28. (Withdrawn) The system of claim 24 wherein the data recording system comprises at least one sheet of paper and means for transcribing data thereon.

29. (Withdrawn) The system of claim 24 wherein the license to a specific one intellectual property is an exclusive right to use the intellectual property for the term of the respective license agreement.

30. (Withdrawn) The system of claim 24 wherein the predetermined quantity of the funds represents the future value of the portfolio of at least two intellectual properties discounted by a predetermined interest rate applied over a period time extending to the time at which the future value is represented.

31. (Withdrawn) The system of claim 24 wherein the portfolio of intellectual properties further comprises at least one security instrument.

32. (Withdrawn) The system of claim 24 wherein the portfolio of intellectual properties further comprises a money market account.

33. (Withdrawn) The system of claim 24 wherein the portfolio of at least two intellectual properties comprises at least a low risk portion of the portfolio and a high risk portion of the portfolio; and the system further comprises recording an allocation, selected by each respective investor, of funds from the respective investor between the low risk portion of the portfolio and the high risk portion of the portfolio.

34. (Withdrawn) A data processing system for managing the transfer and allocation of monetary funds between a portfolio of investor accounts held by more than one investor, a general trust account, and a portfolio of at least two intellectual properties, the system comprising:

- a) a computer processor device for processing data;
- b) a storage device operatively connected to the computer processor device for storing data;
- c) creating in the storage device a unique account for each respective investor account;
- d) creating in the storage device at least one general trust account not associated with a specific investor;
- e) indicating in the storage device that a predetermined quantity of the funds from said general trust account are transferred to the initial owner of a specific one intellectual property of said at least two intellectual properties in exchange for title to said specific one intellectual property being transferred to a subsequent owner;
- f) indicating in the storage device a grant back to said initial owner of a license to said specific one intellectual property of said at least two intellectual properties;

g) recording in the storage device the licensing agreement entered into with respect to each specific intellectual property and the amount of the at least one royalty payment to be received from the licensee and the date each payment is due;

h) indicating in the storage device that at least one payment is made from the licensee into said general trust account;

i) allocating in the storage device payments from said general trust account to at least one said investor account; and

j) deducting in the storage device each payment to said at least one investor account from said general trust account.

35. (Withdrawn) The system of Claim 34 wherein the storage device is a data disk.

36. (Withdrawn) The system of Claim 34 wherein the system further comprises means for processing on the storage device data regarding the transfer and allocation of monetary funds between said portfolio of investor accounts, said portfolio of at least two intellectual properties, and said general trust account.

37. (Withdrawn) The system of Claim 34 further comprising means for initializing the storage device to magnetically store selected data regarding the crediting and transfer of funds and payments to and from said portfolio of investor accounts, said portfolio of at least two intellectual properties, and said general trust account.

38. (Withdrawn) The system of Claim 34 wherein the licensing agreement for a respective intellectual property is an exclusive right to use the respective intellectual property for the term of the licensing agreement.

39. (Withdrawn) The system of Claim 34 wherein the predetermined quantity of the funds represents the future value of the portfolio of at least one of the at least two intellectual properties discounted by a predetermined interest rate applied over a period of time extending to the time at which the future value is represented.

40. (Withdrawn) The system of Claim 34 wherein the portfolio of intellectual properties further comprises at least one security instrument.

41. (Withdrawn) The system of Claim 34 wherein the portfolio of intellectual properties further comprises a money market account.

42. (Withdrawn) The system of Claim 34 wherein the portfolio of at least two intellectual properties comprises at least a low risk portion of the portfolio and a high risk portion of the portfolio; and the system further comprises storage an allocation, selected by each respective investor, of funds from the respective investor between the low risk portion of the portfolio and the high risk portion of the portfolio.

43. (Withdrawn) A method for managing a plurality of financial transactions involving securitized intellectual property comprising, for each said financial transaction, generating a securitized transaction record when a particular intellectual property portfolio is securitized, and including in said securitization transaction record:

- a) an indicator of the intellectual property portfolio being securitized;
- b) an indicator identifying one or more investors participating in the securitizing transaction;
- c) an indicator of the amount paid for the intellectual property portfolio securitized;
- d) an indicator of the rights granted back to the initial owner of the intellectual property portfolio being securitized;
- e) an indicator of the payment obligation of the initial owner of the intellectual property portfolio being securitized; and
- f) an indicator of the allocation of such payments to said one or more investors in said particular securitization transaction.

RESPONSE

Status of The Claims

Claims 1-11 and 18-43 have been withdrawn, and Claims 12-15 have been amended. Claims 12-17 stand rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 5,126,936 to Champion ("Champion"), U.S. Patent No. 6,018,714 to Risen ("Risen"), Kieso et al. "*Intermediate Accounting*," John Wiley & Sons, Inc., Eighth Ed. 1995, pages 571-619 ("Kieso"), and *Rhone-Poulenc Agro v. Dekalb Genetics Corp.*, 2002 U.S. App. LEXIS 5006 (Fed Cir 2002) ("Rhone").

Rejections under 35 U.S.C. §103(a)

Rejected independent Claim 12 as now amended more particularly recites one of the distinguishing characteristics of the present invention, namely, each step is performed by "computer code." Support for this Amendment can be found, among other places, Figures 1-3 of the original Application.

The present invention of Claim 12 is directed toward repeatedly securitizing an intellectual property estate. Specifically, computer and data processing systems are employed to assist in rapidly and efficiently performing these tasks. That way, an income stream can be derived from an existing intellectual property portfolio. In fact, the investment entity of the present invention electronically takes title to the patent from the original owner in exchange for payment to the original owner of funds obtained from investor accounts, and then licenses the patented technology for an agreed-upon monetary return that is, in turn, allocated to the investors through a completely automated process.

Risen provides insurance against a change in *predicted* value of the intellectual property. The present invention, in contrast, serves to accurately predict a value of intellectual property. Risen talks about valuing an intellectual property, but states that assigning a monetary value to a patent can be difficult, and indicates that a preferred method of determining a value is to retain a firm that specializes in valuation of intellectual property (col 11, lns. 11-13). An alternative method proposed by Risen is to use an arbitrary valuation (col. 11, lns. 24-27). Risen discloses and claims obtaining the valuation of the intellectual property from an outside expert and not through an automated system. Risen does not disclose or suggest a method for using an algorithm (in a data processing system) to determine the value of an intellectual property.

In Champion, the investors invest their money in products owned by various third parties, such as mutual funds. No place in Champion is any mention made or implied of patents or intellectual properties forming the basis for financial investments, or using a variety of algorithms (in a data processing system) to determine the appropriate purchase price for the intellectual properties. This is because, traditionally, such items were considered too difficult to appraise and assign a value to and, therefore, there was too much uncertainty associated with intellectual property assets to incorporate them into investment vehicles. Champion only addresses a system used by an account management service to manage investor funds.

In Kieso, general accounting guidelines are established for valuation. There is no suggested, explicit, or implied, use of an electronic data processing system for evaluating intellectual property value, purchasing the intellectual properties with money from investors, and licensing the intellectual properties to obtain an income stream that is paid back to the investors. As with Champion, there is no place in Kieso where any suggestion, explicit or implied, is made of patents or intellectual properties forming the basis for financial investments, or of using a

variety of algorithms to determine the appropriate purchase price for the intellectual properties in an automated system. The present invention addresses a system used by an investment entity to determine the value of a patent, acquire title to the patent in exchange for a monetary amount related to the determined value of the patent, license the patent, and allocate licensing royalties amongst investors in a ratio proportionate to the monetary amount obtained from that investor. Kieso neither discloses nor suggests the present invention, alone or in conjunction with Risen or Champion.

Additionally, Rhone does not teach, suggest, or disclose the use of an automated system to securitize an intellectual property estate. Instead, license agreements for intellectual property, namely a patent, are discussed in general terms. In particular, the Court of Appeals for the Federal Circuit determined that a *bona fide* purchaser defense does not apply to a non-exclusive licensee. Thus, Rhone only details that exclusive and non-exclusive licenses existed prior to the filing of the above-referenced application. There is no mention of securitizing intellectual property through an automated system. Thus, the present invention of Claim 12 provides a benefit that Rhone, singularly or in combination with any of the aforementioned references, does not.

In view of the foregoing, it is apparent that the cited references do not disclose, teach or suggest the unique combination now recited in amended Claim 12. Applicant therefore submits that amended Claim 12 is clearly and precisely distinguishable over the cited references in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicant respectfully requests that the rejection of amended Claim 12 under 35 U.S.C. § 103(a) in view of Risen, Champion, Kieso, and Rhone be withdrawn and that Claim 12 be allowed.